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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,304	03/15/2002	Tatsuji Nagaoka	9683/109	2923
<div>7590 05/14/2007</div> <div>Brinks Hofer Gilson & Lione P O Box 10395 Chicago, IL 60610</div>				
			<div>EXAMINER</div> <div>PENG, FRED H</div>	
			<div>ART UNIT</div> <div>2623</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>05/14/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/088,304

Applicant(s)

NAGAOKA ET AL.

Examiner

Fred Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/04/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-19, 22-24, 26-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) in view of Harada et al (US 5,721,583).

Regarding Claims 15 and 26, Lawler discloses a user interface generator and corresponding method comprising:

a memory configured to store user attributes of registered users in relation to identifications of the registered users (Col 5 lines 55-59);

a receiver (FIG.1, -20) configured to receive instructions from users which request execution of performances by an appliance (FIG.3A, FIG.4; Col 4 lines 58-64).

an attribute locator configured to locate user attributes of instructing users registered in the memory, using the identifications of the instructing users (FIG.5, -126, -130; Col 7 lines 44-47, 54-56);

an option selector configured to determine, based on at least one of the located user attributes and the identifications of the instructing users, different operational options available to the instructing users from among operational options selectable in connection with execution of

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the performances (FIG.3B; Col 4 lines 43-57; selected programs are based on the user's viewing preference); and

an object generator configured to generate different objects for the instructing users which show only the available operational options for the instructing users (FIG.3B, -80; personal preference, household preference, etc objects are generated).

However, Lawler fails to disclose each instruction contains an identification of a user who issued the instruction.

In an analogous art, Harada discloses each instruction contains an identification of a user who issued the instruction (Col 6 lines 24-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include each instruction contains an identification of a user who issued the instruction, as taught by Harada with the added benefits of simplifying user access without user intervention.

Regarding Claims 16 and 27, Harada further discloses the user attributes include user's address and date of birth (FIG.4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include user's address and date of birth, as taught by Harada as a typical attributes for profiling particular users based on demographic or age group.

Regarding Claims 17 and 28, Lawler further discloses each operational option is associated with at least one attribute, and the option selector compares the at least one attribute associated with a respective operational option with the user attributes of an instructing user to see if any of the respective operational options is available to the instructing user (FIG.6; Col 8 lines 45-59; Col 9 lines 12-19).

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Regarding Claims 18 and 29, Lawler further discloses an identification of a user identifies the user (Col 7 lines 44-47).

Regarding Claims 19 and 30, Harada further discloses user attributes of a user is updatable by the user (FIG.4; Col 17 lines 50-57, means for receiving the personal attributes information list suggesting the list is updatable).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include user attributes of a user is updatable by the user, as taught by Harada to reflect the user's most updated information status.

Regarding Claims 22, 23, 33 and 34, Lawler further discloses the user interface generator is incorporated in the appliance (FIG.1, -16), wherein the appliance comprising a set-top box (FIG.1, -20) configured to receive broadcast programs from broadcast stations (FIG.1, -10).

Regarding Claims 24 and 35, Lawler further discloses the performances comprising at least one real-time viewing of a broadcast program (FIG.3B, -80).

4. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) and Harada et al (US 5,721,583) in view of Lotspiech et al (US 6,345,289 B1).

Regarding Claims 20 and 31, Lawler and Harada disclose Claims 15 and 26.

Lawler and Harada fail to disclose the attribute locator requests user attributes from a user when it can not locate any user attribute of the user in the memory.

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In an analogous art, Lotspiech discloses the attribute locator requests user attributes from a user when it can not locate any user attribute of the user in the memory (Col 4 lines 52-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Lawler and Harada to include the attribute locator requests user attributes from a user when it can not locate any user attribute of the user in the memory, as taught by Lotspiech as an obvious alternative to update the user's attribute information.

5. Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) and Harada et al (US 5,721,583) in view of Slotznick (US 2005/0282582 A1).

Regarding Claims 21 and 32, Lawler and Harada disclose Claims 15 and 26.

Lawler and Harada fail to disclose the receiver is configured to communicate with wireless phone and receive the instructions from the wireless phone

In an analogous art, Slotznick discloses the receiver is configured to communicate with wireless phone and receive the instructions from the wireless phone (FIG.3; Para 14 lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Lawler and Harada to include the receiver is configured to communicate with wireless phone and receive the instructions from the wireless phone, as taught by Slotznick to provide the convenience of accessing the phone line without disrupting watching TV.

6. Claims 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) and Harada et al (US 5,721,583) as applied to Claims 15, 22-24, 26 and 33-35 above, and further in view of Look (US 6,757,906 B1).

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Regarding Claims 25 and 36, Lawler and Harada discloses Claims 15, 22-24, 26 and 33-35. Lawler further discloses the operational options selectable in connection with execution of the performances comprise options to viewable broadcast programs (FIG.3B, -80).

Lawler and Harada fail to disclose options to recordable broadcast programs, options to playback-able broadcast programs or options to downloadable broadcast programs.

In an analogous art, Look discloses options to recordable broadcast programs, options to playback-able broadcast programs (FIG.16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Lawler and Harada to include options to recordable broadcast programs, options to playback-able broadcast programs, as taught by Look to add recording and playback capabilities to better accommodate each user's viewing schedule.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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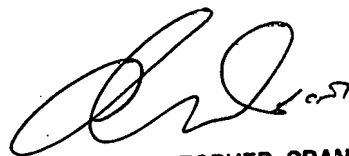
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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